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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,156	06/29/2001	Kenneth R. Rosensteel JR.	52003203	7396

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EXAMINER
LIN, WEN TAI

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/896,156	ROSENSTEEL ET AL.
	Examiner	**Art Unit**	
	Wen-Tai Lin	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 June 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-22_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-22_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _29 June 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-22 are presented for examination.

2.   Applicant is reminded to update the status of each of the copending applications listed on page 1 of the Specification whenever it becomes available.

3.   Claims 6-7, 16-17 and 19-20 are objected to because of the following issues/informalities:

      (i) As to claims 6 and 16, the phrases "the first computer system is the first one of the plurality of computer systems and the third one of the plurality of computer systems" and "the second computer system is the second one of the plurality of computer systems and the fourth one of the plurality of computer systems" are not clearly understood, because, logically speaking, such equating statements could only lead to a conclusion that the first one and the third one of the plurality of computer systems are identical, and likewise the second one and the fourth one of the plurality of computer systems are also identical. For the same reason, the similar phrases found in claims 7 and 17 could also lead to the conclusion that the first one and the fourth one of the plurality of computer systems are identical and the second one and the third one of the plurality of computer systems are identical. Since Claims 7 and 17 depend on claims 6 and

16 respectively, a further conclusion at the level of claims 7 and 17 would be that

the first, second, third, and fourth ones of the plurality of computer systems are

identical. However, claim 1 requires that the first and second computers to be

heterogeneous computer systems. That is, at the level of claims 7 and 17, the

first and fourth ones of the plurality of computer systems must be different from

the second and third ones of the plurality of computer systems, which obviously

conflicts with the conclusion derived from the aforementioned equating

statements.

(ii) As to claims 19 and 20, it is not clear whether they claim software stored in a

computer storage media or a method because their parent claim (claim 1) is a

method claim. To avoid redundancy (with respect to claims 8 and 9) and for

purpose of prior art rejection in this office action, claims 19 and 20 are construed

as being dependent on claim 11.

Correction and/or clarification is required in response to this office action.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application

filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-3, 11-13 and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Prust [U.S. Pat. No. 6714968].

6.   As to claim 1, Prust teaches the invention as claimed including: a method of accessing a first file on a disk system on one of a plurality of computer systems from a program executing on another of the plurality of computer systems[e.g., Abstract; Fig.2], wherein:

the plurality of computer systems comprises:

a first computer system containing the program communicating through an API with a first interface system, and a

second computer system containing the disk system and a second interface system for communicating with the first

interface system and for reading from and writing to the disk system [col.1, lines 49-67];

the first computer system and the second computer system are heterogeneous computer systems [col.3, lines 22-40; col.5, lines 60-63; e.g., using Sun's SPARC computer as client (i.e., the first computer) and Apple computer as storage server (i.e., the second computer)];

said method comprising:

(A) opening a first session from the program via the API through the first interface system to the second

interface system in order to access the first file on the disk system [col.1, lines 49-67];

(B) blocking the first plurality of records into a first plurality of blocks;

(C) transmitting the first plurality of blocks over the first session from a first one of

the plurality of computer systems to a second one of the plurality of computer systems;

(D) unblocking the first plurality of blocks into a second plurality of records on the

second one of the plurality of computer systems; and

(E) closing the first session after completing the transmitting in step (C) [col.5,

lines 20-37; e.g., FTP is a block-based communication protocol].

7.   As to claim 2, Prust further teaches that:

the first computer system is the first of the plurality of computer systems [205,

Fig.2];

the second computer system is the second of the plurality of computer systems

[210, Fig.2]; and

the method further comprises:

(F) receiving the first plurality of records via the API from the program; and

(G) writing the second plurality of records to the first file [col.1, lines 49-67];.

8.   As to claim 3, Prust further teaches that:

the first computer system is the second of the plurality of computer systems; and

the second computer system is the first of the plurality of computer systems;

the method further comprises:

(F) reading the first plurality of records from the first file; and (G) receiving the

second plurality of records in the program via the API [col.1, lines 56-61; col.7, lines 42-

56; i.e., through the remote processing it indicates the storage server can run an

application program and takes the role of transferring data back to the client computer

that requested the processing.]

9.   As to claims 11-13 and 21-22, since the features of these claims can also be

found in claims 1-3 and 11, they are rejected for the same reasons set forth in the

rejection of claims 1-3 and 11 above.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be patented
> and the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Prust [U.S. Pat. No. 6714968], as applied to claims 1-3, 11-13 and 21-22 above,

further in view of Official Notice.

12.   As to claims 4 and 14, Prust does not specifically teach that the transmitting in step (C) utilizes a credit based flow control mechanism to flow control the first plurality of blocks; and the credit based flow control mechanism utilizes a block based credit counting each of the first plurality of blocks a one credit.

However, Official Notice is taken that in a fee-for-service business model, it is well known to charge a client according to the amount of data or traffic introduced by a service. Since Prust does not specifically teach that the remote storage service is for free, it is obvious that certain limitation on the file transfer could have been established. Official Notice is further taken that utilizing a credit based flow control for limiting the number of transferred data blocks is well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized a similar flow control mechanism in Prust's system because the flow control is needed to avoid any over-use or abuse of the service.

13.   Claims 5-8 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prust [U.S. Pat. No. 6714968], as applied to claims 1-4, 11-14 and 21-22 above.

14.   As to claims 5-7, Prust teaches the limitations as claimed in claims 1-3. Prust does not specifically teach that a second session may be started for data transferring in either direction (i.e., either from client to server or from server to client) before the first session is terminated. However, Prust teaches that the system is situated in a global network environment (such as Internet) which may uses HTTP as file transferring

protocol [col.5, lines 34-37]. Additionally, it is well known in the art of Internet browsing that multiple TCP sessions can be established for either direction of file transfer [e.g., Fig.6]. For example, one may use a browser instance for uploading data to an Internet service provider's allocated web site, while at the same time browsing (i.e., downloading) the same site. Since Prust provides an Internet browsing environment for its client-server interaction, it is obvious that an Prust's client would be able to establish more than one communication sessions with the remote storage servers because (1) it is so allowed by a typical browser; and (2) Prust does not specifically limit the number of sessions to only one.

15.   As to claim 8, Prust does not specifically teach that: the first computer system is a mainframe computer system; and the second computer system is a UNIX based computer system.

However, Prust teaches that a wide variety of different computers under different operating systems may be used for supporting the operations [col.3, lines 23-40; col.9, lines 1-15; col.8, lines 8-22]. However, Prust teaches that the system is situated in a global network environment (such as Internet) and a client may use a browser for file transferring between the client and servers [col.5, lines 34-37 and Fig.6]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow a client, who uses a mainframe computer system to remotely access a UNIX based server because both types of computer systems are typical in the Internet environment.

16.   As to claims 15-18, since the features of these claims can also be found in claims

1, 5-8 and 11, they are rejected for the same reasons set forth in the rejection of claims

1, 5-8 and 11 above.

17.   Claims 9-10 and 19-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Prust [U.S. Pat. No. 6714968], as applied to claims 1-8, 11-18 and

21-22 above, further in view of AAPA [Applicant admitted prior art].

18.   As to claims 9-10, Prust does not specifically teach conversion of data types

between the first and second computer systems.

        However, AAPA teaches that when data transferring between two heterogeneous

computers via a utility such as FTP protocol, translation of incompatible data types (i.e.,

due to different character or integer formats) are performed at the two utility programs at

both sides [Specification: page 2, lines 24-32].

        It would have been obvious to one of ordinary skill in the art at the time the

invention was made to perform conversion of data types in Prust's system because: (1)

Prust allows data transferring between two heterogeneous computers via, e.g., FTP

utility; and (2) conversion of incompatible data types is needed otherwise the receiving

end won't be able to correctly interpret the data.

19.   As to claims 19-20, since the features of these claims can also be found in

claims 1 and 9-10, they are rejected for the same reasons set forth in the rejection of

claims 1 and 9-10 above.

20.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

> Bodamer et al.   [U.S. Pat. No. 6236997];
>
> Bober   [U.S. Pat. No. 6718372];
>
> Bowman-Amuah   [U.S. Pat. No. 6571282];
>
> Wang et al.   [U.S. Pat. No. 5913028]; and
>
> Stein et al.   [U.S. Pat. No. 5497463].

21.   A shortened statutory period for response to this action is set to expire 3 (three)

months and 0 days from the mail date of this letter. Failure to respond within the period

for response will result in ABANDONMENT of the application (see 35 U.S.C. 133,

M.P.E.P. 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Wen-Tai Lin whose telephone number is (703)305-

4875. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (703)305-8498. The fax phone

numbers for the organization where this application or proceeding is assigned are as

follows:

(703)872-9306 for official communications; and

(703)746-5516 for status inquires draft communication.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703)305-

3900.

Wen-Tai Lin

September 28, 2004